

SULLIVAN & CROMWELL LLP

TELEPHONE: 1-212-558-4000
FACSIMILE: 1-212-558-3588
WWW.SULLCROM.COM

125 Broad Street
New York, New York 10004-2498

LOS ANGELES • PALO ALTO • WASHINGTON, D.C.

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May 27, 2022

Via ECF

The Honorable Ronnie Abrams,
United States District Court,
Thurgood Marshall United States Courthouse,
40 Foley Square,
New York, NY 10007.

Re: *In re Ex Parte Application of Porsche Automobil Holding SE for an Order Pursuant to 28 U.S.C. § 1782 Granting Leave to Obtain Discovery for Use in Foreign Proceedings*, No. 1:19-mc-00166-RA-SDA

Dear Judge Abrams:

Pursuant to the Court's May 18, 2022 Order (ECF No. 96), Applicant Porsche Automobil Holding SE ("PSE") submits this letter regarding the status of this 28 U.S.C. § 1782 ("Section 1782") action.

PSE filed this Section 1782 action to obtain discovery from Respondents Elliott Management Corp., Elliott Associates L.P., Elliott Capital Advisors, L.P., and Elliott International Capital Advisors, Inc. ("Elliott") for use in certain civil actions against PSE in Germany (the "German Actions"). After the Court granted PSE's Section 1782 application, Elliott made eight document productions. Because most documents that Elliott produced in this action were designated by Elliott as confidential or highly confidential under the protective order, PSE initiated a number of challenges to Elliott's confidentiality designations. The parties met and conferred extensively regarding Elliott's designations, and Elliott agreed to withdraw its designations from certain documents.

PSE submitted documents it obtained through this Section 1782 action as evidence in the case captioned *Greenwich (Japan) Ltd., et al. v. Porsche Automobil Holding SE*, No. 22 O 348/16, *appeal filed*, No. 1 U 205/18, in the German Higher Regional Court of Stuttgart (the "Greenwich Action"). On April 12, 2022, the Stuttgart Higher Regional Court dismissed the Greenwich Action. PSE believes this dismissal was based predominately on the discovery PSE obtained from this Section 1782 proceeding, while Elliott believes the decision speaks for itself.

The Hon. Ronnie Abrams

-2-

In addition, PSE plans to introduce certain discovery from this Section 1782 proceeding in a model case pending before the German Higher Regional Court of Braunschweig (the “Braunschweig Model Case”). Depending on the progression of the German Actions, if the need arises, PSE may also seek a modification of the protective order to use the discovery in additional proceedings against PSE. Disputes under the protective order may arise in connection with these uses.

PSE requests that the Court retain jurisdiction to resolve any disputes that may arise under the protective order while the German Actions remain pending, as contemplated by § 16.1 of the protective order (ECF No. 53-1). If the Court would prefer to close this Section 1782 proceeding, PSE does not object to the closure, provided that the Court retains such jurisdiction and the parties may request to reopen the proceeding should a dispute arise.

PSE has conferred with Elliott, and Elliott does not object to this request.

Respectfully,

/s/ Suhana S. Han

Suhana S. Han

cc: All Counsel of Record

This case is hereby discontinued without prejudice to restoring the action to this Court's docket if a dispute arises during the pendency of the German Actions.

The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

A handwritten signature in blue ink, appearing to be 'RA', with a horizontal line extending to the right.

Hon. Ronnie Abrams
05/31/2022